

## **USEFUL MOBILIZATION INFORMATION**

Reservists return to active duty one of two ways: They volunteer or are called up and ordered to active duty. Either way, individuals and units go through a process called mobilization. During this process, reservists must make sure that not only are they ready to deploy, but also that those they leave behind are provided for.

### **Mobilization Checklist**

Just as units are required to keep things in order "just in case," so should individual reservists keep their family and personal affairs. The following is a checklist of things that should be squared away before you are mobilized.

### **Deers - Phone Number: 1-800-334-4162**

All family members must be enrolled in the Defense Eligibility Enrollment Reporting System in order to have access to military shopping, medical and other benefits. Reservists should make sure this is done well before they are activated.

### **Dependent Care**

You must complete a Dependent Care Certification/Family Care Certification AF Form 357, dated Aug '95 (Er-V2) to certify that you have made temporary and permanent family member care arrangements in the event of mobilization. Single parents and couples who are service members and deployable - and have children under 18 or seniors in their care - have unique problems. But that status alone won't prevent activation. And alternate family member or friend must be designated as a legal guardian.

### **Direct Deposit**

Direct deposit of military pay is mandatory. Be sure your pay is going to an institution that your family can access. Make sure SF Form 1199A - Direct Deposit Sign Up Form - is on file with your reserve pay office to avoid pay problems during deployment.

### **Legal Documents**

Ask your commander or unit administrator for a DD Form 1543 - Annual Legal Checkup. Also, make sure you have the following documents: - Certified copy of your marriage certificate:

- Certified copies of birth certificates for you and authorized family members;
- Certified copies of court orders or decrees pertaining to person who are your authorized family members. This included divorce decrees and adoption papers;
- Detailed plans for dependent care, including a special power of attorney to ensure the person you appoint can take care of financial, legal and medical matters for you or your family in your absence. These can be written so they only are active in your absence;
- A detailed will. This is especially important if you own property. You should include a plan for distribution of your personal effects in the event of death;
- Copies of civilian medical history for you and all family members (to include a record of past illnesses or injuries not recorded in your military medical record and immunization records);

- An up-to-date passport;
- Copies of your Servicemen's Group Life Insurance form and any other insurance policies.

Soldier's redeploying to an exercise in excess of 31 days has the option to enroll in the Uniformed Services Thrift Savings Plan or change deduction options.

### **Mobilization, Involuntary**

Most mobilizations for war or emergencies are involuntarily. Only the President or Congress can order reservists to active duty for an extended period of time. The Secretary of Defense or any service secretary can call up reservists, but for no more than 15 days.

### **Full Mobilization**

All reserve component units, including individual, standby and retired reservists and retired military personnel, are called up for a full mobilization. They can be kept on active duty for the duration of a declared war or emergency, plus six months.

### **Partial Mobilization**

The President or Congress can order a partial mobilization of up to 1 million Selected reservists and members of the Individual Ready Reserve. Partial mobilization must be for a national emergency involving an external threat to national security. Under a partial mobilization, reservists can be kept on active duty for no longer than 24 consecutive months.

Partial mobilizations include:

- **Presidential Selective Reserve call-up.** The president can call up to 200,000 soldiers from the Selected reserve that can be kept on active duty for up to 270 days.
- **Selective mobilization.** Congress or the president can call up units and individuals from the Selective Reserve and Individual Ready reserve during a domestic emergency (a postal strike, flood, etc) that does not involve a threat to the national security.

### **Mobilization, Voluntary**

Guard and Reserve members can volunteer for call up. During mobilizations other than a full one, volunteers often are needed for positions in active-duty and reserve units that are deploying.

In many cases, members of the Inactive Ready Reserve and Individual Mobilization Augmentees fill these units. But opportunities are not limited to them.

With the approval of their commanding officer, qualified reservists from nondeploying units can apply for vacant slots. Sometimes those in nondeploying units with needed skills will be contacted through their chain of command and offered a call-up position.

Make sure any medical conditions, healed or not, are fully noted in your medical records and request copies for yourself. If nothing else, you can provide these copies for yourself. If nothing else, you can provide these copies to your civilian doctor when you return home.

If you have wounds or medical conditions when you return, you may be put on medical hold. However, if you are not hospitalized, you may be released from active duty before treatment is complete and be authorized medical care and incapacitation pay.

Make sure that any disability you got while on active duty is recognized and evaluated prior to release from active duty to ensure benefits and entitlements are authorized.

### **Pay**

Under current procedures, you will remain on the reserve pay system. If you are not already on direct deposit, or Sure Pay, processing will be accomplished during in processing.

Final pay will be deposited in a soldier's account after his tour ends. Wherever your account is, that's where you will receive final pay.

### **Perstempo**

Soldiers deployed in excess of 400 days in a 730 rolling day window are eligible for PERSTEMPO pay of \$100 per day.

### **Re-Employment**

Whether you are ordered to active duty involuntarily or voluntarily, you are protected from losing your civilian employment.

Depending on the type and length of your deployment, you have different amounts of time before you must report back to your civilian job. Generally, that period is within 31 days of your release from active duty for a presidential call-up.

In some cases, that period is extended to 60 and even 90 days. In all cases, you should apply for reinstatement as soon as possible after release from active duty.

### **Thrift Saving Plan**

Soldiers redeploying from an exercise in excess of 31 days have the option to enroll in the Thrift Savings Plan or change deduction options.

## **Notification**

Before a unit is mobilized it is generally put on alert. Once on alert, a mobilization order can come within hours or days. Often, however, units are alerted months before activation and deployment.

All Reserve and National Guard units have an alert notification system. Reservists normally are alerted by a telephone call from their chain of command, which then is followed up with an Automatic Digital Network message or certified letter.

It's important your unit has your current home and employer's addresses and telephone numbers.

You are required to notify your employer, school or landlord after your orders are in hand. It's a good idea to tell them as soon as possible after you have been alerted. Tell them as much as you can, including possible deployment dates. Employers with questions can contact your commanding officer.

## **Redeployment Checklist**

Like the activation process, it's a good idea to make sure all your paperwork is in order when you redeploy or return from active duty. The following items should be included in your checklist.

## **DD Form 214**

Every reservist leaving active duty will get a new DD Form 214. Carefully review it and make sure any awards and decorations you are eligible for are listed, as well as the correct time in service.

## **Evaluations and Awards**

A reservist on active duty for any period will get an evaluation and may be eligible for awards.

## **Leave**

Most members complete active duty with accrued leave. You will have the option of taking that leave or being paid for it. The maximum allowable leave a service member may sell back is 60 days total during their career.

Service members who leave the military and come back do not start fresh; any leave sold during the initial tour counts toward the 60-day total.

## **Medical**

Generally, everyone is given a physical before leaving active duty. You can get a simple screening or a complete examination.

If it has been less than a year since your last physical, you may be able to sign a waiver to avoid it. Think twice about doing this, however. After the Gulf War, many veterans did not start feeling ill until after they had been sent home.

Make sure any medical conditions, healed or not, are fully noted in your medical records and request copies for yourself. If nothing else, you can provide these copies to your civilian doctor when you return home.

## UNIFORMED SERVICES EMPLOYMENT AND REEMPLOYMENT RIGHTS ACT (USERRA)

### *Servicemember's Information Paper*

The Uniformed Services Employment and Reemployment Rights Act of 1994 (USERRA) is a federal law which gives members and former members of the U.S. armed forces (active and reserves) the right to go back to a civilian job they held before military service.

**Who gets USERRA protection?** You probably qualify for USERRA protection if you meet all five of these tests:

1. **Job.** Did you have a civilian job before you went on active duty? *All* jobs are covered, unless your employer can prove the job was truly a temporary position. USERRA applies to all private employers, state governments, and all branches of the federal government.
2. **Notice.** You (OR A RESPONSIBLE OFFICER FROM YOUR MILITARY UNIT) MUST GIVE ADVANCE NOTICE TO YOUR EMPLOYER BEFORE LEAVING FOR ACTIVE DUTY. Notice can be oral or in writing, but you can best protect your rights by sending a letter by certified mail, or having your employer sign your copy of your letter, acknowledging receipt.
3. **Duration.** You can be gone from your civilian job for up to five years (total). Any absences from your employer protected under the previous law (VRRRA) count towards your total. Most periodic and special Reserve and National Guard training does not count towards your five year total.
4. **Character of service.** If you are discharged, you must receive an honorable or general discharge. This test does not apply if you remain in the reserve component, but your employer can still require some proof from your unit that your period of service was honorable. A letter from your commander will suffice..
5. **Prompt return to work.** If you were gone up to 30 days, you must report back to the first shift which begins after safe travel time from your duty site plus eight hours to rest. If you were gone 31 to 180 days, you must apply in writing for work within 14 days after completing military service. If you were gone 181 days or more, you must apply in writing for work within 90 days. Tell your employer you worked there before, and you left for military service.

**You are entitled to protections both while you are gone and when you return to work.**

1. **Health insurance during service.** If you ask for it, your employer must continue to carry you and your family on the company health plan for up to 30 days of service, at the normal cost to you. TRICARE does not cover family members for tours of 30 days or less. You can get up to 18 months of coverage, but your employer can pass on the full cost (including the company's share) on to you.
2. **Prompt reinstatement.** You get your job back immediately if you were gone 30 days or less. After longer service, you must get your job back within a few days.
3. **Status and Seniority.** For purposes of status, seniority, and most pension rights (including pay rate) you are treated as if you never left for military service. If your peers got promotions or raises while you were gone, you do too.
4. **Training and other accommodations.** Your employer must train you on new equipment or techniques, refresh your skills, and accommodate any service-connected disability.
5. **Special protection against discharge other than for cause.** If you are fired within a protected period, your employer must prove the firing wasn't because of military service. Your protected period varies with how long you were gone.
6. **Immediate reinstatement of health benefits.** You and your family may choose to go back on the company health plan immediately when you return to your civilian job. There can be no waiting period and no exclusion of pre-existing conditions, other than for VA-determined service connected conditions.
7. **Antidiscrimination provision.** USERRA prohibits discrimination based on military service or military service obligation.
8. **Other benefits.** USERRA guarantees you certain rights. It does not eliminate any other benefits you may have from state law, contract, or collective bargaining agreement.

### **Enforcement.**

1. The National Committee for Employer Support of the Guard and Reserve (ESGR), (800) 336-4590 or (703) 696-1400. ESGR provides ombudsmen who mediate reemployment issues between military members and their civilian employers, <http://www.esqr.org>. The site provides tips for reserve members and employers.
2. The U.S. Department of Labor Veterans Employment and Training Service (VETS), (202) 219-9110. The Department of Labor is responsible for resolving and/or

investigating reemployment issues, <http://www.dol.gov/dol/vets>. The site has a Non-Technical Resource Guide to USERRA.

3. Contact your legal assistance attorney. Remember your military legal assistance attorney may not act as your personal attorney in reemployment disputes,

4. USERRA gives you the right to sue your employer in federal court. See 38 U.S.C. §§ 4301-33. If your lawsuit is successful, you may be able to recover court costs and attorney fees from your employer.

If you need additional information, contact us at [legalassistanc@jag.navy.mil](mailto:legalassistanc@jag.navy.mil).

//s// Ann M. DeLaney